

Private Sector Vocational Technical Stakeholder Group

Tumwater, WA
January 26, 2004

MINUTES

ATTENDEES

DEPARTMENT OF LABOR AND INDUSTRIES

Donna Spencer
Dave Erickson
Roy Plaeger-Brockway
Blake Maresh
Rich Wilson
Mary Kaempfe
Don Lane
Paulette Golden

ABSENT:

Carol Kromer
Barb Lansford

VOCATIONAL REHABILITATION PROVIDERS

Michael Barron, IAM Crest
Craig Bock, Bock Consulting, Inc.
Cathy Cottingham, People Systems, Inc.
Bob Crouch, CorVel Corporation
Fred Cutler, Cutler Counseling
Jenny Gaffney, Gaffney Counseling & Consulting
Dan McKinney, Vista Consulting Services
Terry McCall, McCall Vocational Consulting
Jill Rosenthal, IARP
Scott Whitmer, Whitmer & Associates

ABSENT:

April Poier

AUDIENCE MEMBERS

Kari D'Aboy, D'Aboy Career Horizons
Trevor Duncan, Whitmer & Associates
Barbara Berndt, Industrial Rehab
Earl Shimogawa, Dura Vocational Services
Verlynn Clarambeau, Quality Voc. Consultants
John Melton, Whittall Management Group
Patti Kacz, Intracorp

INTRODUCTIONS & REVIEW

Everyone was welcomed to the meeting, introductions made and agenda reviewed. The previous meeting minutes were reviewed. Blake introduced Paulette Golden as the manager of Vocational and HC Provider Review and Education. Paulette replaces Nancy Peterson, who retired in December.

IME PROJECT UPDATE –Dave Overby

The IME Improvement Project is focused on three strategic goals:

- Appropriate utilization of IMEs,
- High quality IMEs, and
- Efficient IME process

In order to reach those goals, we are building a foundation that includes the following efforts:

- Appropriate fees,
- Centralized Scheduling Unit,
- Performance-based purchasing strategies,
- IME data development and monitoring,
- Provider communications,
- Revised IME WACs (rules)
- Claim manager IME utilization guidelines

Recent events:

- Dramatic decline in multi-examiner exams (65% to app. 30%)- Claim manager examiner selection guidelines implemented March 2003
- Revised IME referral questions (November 2003)
- Renewed emphasis on including vocational issues in the IME referral letters.

MILEAGE REIMBURSEMENT CHANGE – Rich Wilson

Rich let everyone know that in accordance with federal IRS regulations, the department has increased the mileage reimbursement to 37.5 cents per mile, effective January 1, 2004. This change affects providers and injured workers who bill the department for travel. Vocational providers are reminded that the increased reimbursement rate may impact mileage costs previously allocated for rehabilitation plans, and that in some cases a plan modification will be necessary to ensure adequate mileage funds are available for the worker.

UPDATED RCRP SCREEN NOW AVAILABLE – Donna Spencer

The review claim-related payments (RCRP) screen in LINIIS has been enhanced. Now vocational providers can view the funding available when recommending:

- Job modification,
- Pre-job accommodation and
- Work evaluation services

The totals include payments made since the date of injury. **If a provider has not yet billed for a service, the cost of those services will not be reflected on this screen.**

Job modification totals are on the left side of the screen. Pre-job accommodation and work evaluation services totals are on the right side of the screen.

Remember for:

- **Job modifications**, up to \$5000 can be spent for each job or job site.
- **Pre-job accommodations**, the maximum allowable amount is \$5000 per claim.
- **Work evaluation services**, the maximum allowable amount is \$1,160 per claim. However, the work evaluation amount is updated annually. Please refer to the department's fee schedule for the current amount.

For more information on job modifications and pre-job accommodations, consult PB 99-11.

RULE CHANGES EFFECTIVE FEBRUARY 1, 2004 – Mary Kaempfe Amendments to WAC 296-19A

The amendments filed in May and November of 2003 become effective 2/1/04. Most of the changes are clarifications, not new requirements or expectations. A Provider Bulletin will be mailed this week and claim managers are in training as we speak. Revised WAC Guidelines will be posted on the web.

RULE MAKING UPDATE – Blake Maresh

Blake notified the committee of the status of the current rulemaking process, which pertains to the types of experience that qualify a vocational counselor to be a supervisor of interns. The rule was opened up as part of a mediation agreement between the department and its internal union.

The CR-101 was filed on August 6, and since that time an internal work group developed proposed changes to the language in 296-19A-210(2). The department solicited input from the external provider community during the first phase of rulemaking in October, when a postcard was sent to all providers. The department filed the CR-102 on December 22, 2003, which begins the public comment period. The department again sent a notice to all providers that described the rulemaking and how they could provide input.

There will be two public hearings to gather input:

- Monday, February 2, 2004 at Tumwater HQ, 10 a.m.
- Tuesday, February 3, 2004 at Spokane SL, 10 a.m.

The public comment period closes at 5 p.m. on Wednesday, February 11, 2004. All interested parties are encouraged to provide input, and the details about how to provide input can be found on the department's website.

Department staff is not allowed to comment or speculate on the rules between the start of the public comment period and their adoption.

AWA ENHANCEMENT UPDATE – Don Lane

Don provided updates on the Ability to Work Assessment Enhancement Project. VTSG was advised the Worker's Compensation Improvement Steering Committee gave the go ahead with the following:

Establish time frame for vocational providers to submit closing report to claim manager after entering recommended outcome in voc link

Development of AWA referral guidelines by way of Quick Reference Card for use by claim managers

Propose WAC changes on establishing employability

Provide training to private sector vocational counselors as department implements changes in vocational services.

GOVERNOR'S WORKING GROUP – Roy Plaeger-Brockway

Roy explained the Governor's Office plans to develop a working group to explore ideas for long-term changes to the workers' compensation system. The effort will include using an independent organization, the Policy Consensus Center, to conduct meetings with stakeholders of the workers' compensation program. The Policy Consensus Center is run jointly by the University of Washington and Washington State University. They plan to consult with business, labor, legislators and L&I's Workers' Compensation Advisory Committee as part of their process. The purpose of the working group will be to find areas of agreement for possible future reforms. The expectation is the group will put forward proposals for potential legislation in the 2005 legislative session. Specifics about the working group agenda and members have not been announced.

OUTCOME-BASED PAYMENT UPDATE – Blake Maresh

Blake updated the VTSG this project. He recapped that, last summer, the director expressed initial interest in exploring outcome-based payment (OBP) for vocational services. Roy researched two of the most prominent outcome-based payment systems for VR: the Oklahoma Milestone model (DVR environment) and the Ticket to Work model (federal Social Security Administration environment).

Roy's conclusion was that the Oklahoma model seemed to be more successful than the Ticket to Work model, and recommended that the department attempt a pilot to evaluate OBP and see if it would work in a WC environment. Blake will be leading the effort and is assembling a team to begin design work on the project. The team is going to start immediately.

Blake has also been working with Eric Mandt, a claim manager from L&I's self-insurance section, to conduct a survey of provider interest and perspectives on OBP.

Both systems demonstrated the importance of the provider community's participation in their design.

Committee members recognized that the project is still in development, but expressed concern about what the features of the pilot will be. They also expressed interest in how the provider community will be involved in the development of this model.

DECEMBER CONFERENCE RECAP & FUTURE TOPICS – Rich Wilson

Rich reported on the L&I sponsored vocational conference held at the Tumwater service location on December 5, 2003. Over 130 people attended the free conference, and 7 CEUs were granted. Rich noted that approximately 35 people who wanted to register were not able to, due to lack of seats. However, a conference packet was sent out to those people. We will obtain a larger room next time so that anyone who wants to attend, can. The participant feedback was very positive, overall. Rich noted that the department is starting to work on the Spring conference, which is tentatively scheduled for June 4th, most likely in Sea-Tac. Rich asked for committee feedback on several proposed topics for the Spring conference, including O-NET, vocational evaluation, ethics panel, transferable skills, and disability litigation. The committee expressed interest in all of the topics and Rich agreed to follow up with some committee members on the possibility of partnering on conference presentations.

VTSG-LED AGENDA ITEM – Scott Whitmer & Jenny Gaffney –

Jenny and Scott organized break out sessions on the topic of improving return to work outcomes in all phases of referrals (early intervention, ability to work assessment, plan development, and plan implementation). The groups brainstormed and discussed practices that are, or could be more frequently implemented within our current vocational services system to achieve return to work or positive outcomes. Additionally, the groups discussed methods and practices that could be implemented to increase the number of return to work outcomes if there were to be a change in Department policy or guidelines.

The purpose of the breakout sessions was to create and discuss ideas that increase RTW outcomes. Everyone addressed RTW methods and strategies pertaining to all four phases of vocational services to include Early Intervention, Ability to Work Assessment, Plan Development, and Plan Implementation. The results of the breakout sessions are included as an attachment to these minutes.

AUDIENCE COMMENTS – Blake Maresh

There were several audience comments:

- Concern about the notion of outcome-based payment and whether there will be a future in the industry. The commenter noted that the current system has milestones and measures, and wonders if there is another motive for considering OBP.
- An audience member cited a Rochelle Habeck article that finds that placing an injured worker in a new job is 2 to 6 times more costly than with the current employer. The

commenter stressed the importance of worker attitude and what is out of the VRCs control.

- Another commenter echoed the need for more injured worker involvement in RTW, and that CACO and fee caps already provide sufficient provider incentives.
- There was a request to not push too quickly to implement an outcome-based payment pilot.

**ATTACHMENT: Results of Breakout Sessions
January 2004 VTSG**

**WAYS TO IMPROVE & ENHANCE RTW OUTCOMES
IN ALL PHASES OF REFERRAL**

Date: 01/26/2004

Location: Department of Labor and Industries
Tumwater, WA

Facilitators: Jenipher Gaffney and Scott Whitmer

Group Facilitators:

Early Intervention:	Mike Barron
Ability to Work:	Kari D'Aboy
Plan Development:	Barbara Berndt
Plan Implementation:	Terry McCall

EARLY INTERVENTION RTW ANALYSIS

Current counseling/consulting practices that have a positive impact on your RTW rate:
(May include counseling goals, objectives, tools, consulting methods, or any other procedures that increase your RTW outcomes.)

Develop a long term relationship with employers and workers, including employers' medical department.

Develop a positive relationship with employer

- Visit facility to assess job options for employee.

Self-insured strategies work differently (separate methods)

In the first Early Intervention meeting explain to worker the options within the process and what labor market will support (other RTW options) - worker education and better employer education.

Go on site with employer to educate them better about RTW including the use of light duty. Walk around to look at options with employers→ better ideas through telephone (on site including worker in the walk around or discussion).

In the first meeting with worker, review job options. This may include transferable skills /job browser – show worker options for jobs with other employers.

- Help worker choose best option. 50%-60% cases us/them attitude between employer and employee (worker) (no flowers).
- Help build relationship between the worker and employer, including the worker, VRC, and employer in meetings.

Self-Insured – VRC developed an RTW program with employer – can't do this as easily or at all on state fund cases. Self-Insured employers/insurers are more vested in managing claim costs (sense of a more immediate cost).

Give employers in Self-Insured hypothetical about impact of claim(s) on the rates (example on L&I website).

Pester, call, visit doctor if they are not providing answers needed – do within two weeks of referral. Doctor must determine ability to function. Use Claims Manager letters regarding Early Intervention to doctor to have doctor say whether worker is medically stable.

Counseling/consulting practices that could increase/improve your RTW rate: (Include ideas that would require changes in Department Policy, Procedure, and/or Legislation: For instance: a new vocational placement code to fund and allow those services to be delivered.)

Employer incentives or money/lump sum paid to worker for RTW. Similar to Oregon - % worker's RTW wage is paid by SF to encourage employer to bring worker back.

Add an additional code for facilitating RTW with a new employer.

Knowledge or skills enhancement services code with money available to retrain worker to go back to a different or modified job with employer of injury.

Allow/refer for Placement services for workers who are employable, but have not RTW with EOR.

Consider a shorter version of the AWA for worker who is ready to RTW.

Assign VRC's to employers or industries.

ASSESSMENT RTW ANALYSIS

Current counseling/consulting practices that have a positive impact on your RTW rate:
(Could include counseling objectives, tools, consulting methods, or any other procedures that increase your RTW outcomes.)

(AP, EMP*, IW*, VRC already working hard)

Recontact EOR regarding job of injury and/or alternate light duty work opportunities.

Education for EOR and IW's.

- IW can look for work now while we do AWA.
- What is AWA? Explain to both worker and employer.
- Suggest alternate jobs which IW may qualify for, and investigate (worker).
- Recommend where to look for work/job search skills knowledge.
- Give advance LMS with employer telephone numbers.

Set up a return to work website for injured workers and employers (workers can find employers announcing openings for which they may qualify)

Bonus for RTW.

Allow job search vouchers for IW's determined to be ATW8.

Have code in AWA for EOR.

Job search referral type for 14 days that is not part of CACO score.

Providers sponsor job club.

Have decreasing time loss rate over time to motivate to RTW.

Develop codes for skills/knowledge enhancement within the AWA phase.

Have "good" referral (ready for AWA). (CM to evaluate for near medical stability, etc.)

Allow placement services, and have providers use/share their knowledge of their communities and resources.

Counseling/consulting practices that could increase/improve your RTW rate: (Include ideas that would require change in Department Policy, Procedure, and/or Legislation: For instance: a new vocational placement code to fund and allow those services to be delivered.)

Identify the average length of time a worker may stay on referral for RTW before duration effects CACO negatively.

Decreasing time loss model (i.e., @ medical stability).

Give interest tests in AWA.

Allow for job skills enhancement, or incorporate processes for facilitating a RTW, placement and RTW incentives for workers/employers into the AWA process.

PLAN DEVELOPMENT RTW ANALYSIS

Current counseling/consulting practices that have a positive impact on your RTW rate:
(Could include counseling objectives, tools, consulting methods, or any other procedure that increase your RTW outcomes.)

Problem identified: “OJT” employers sometimes get dinged with unemployment. (If worker trains for wages but is not employed at plan completion, s/he may file for unemployment benefits)

Future:

- Enhance OJT options
- Funding
- Create incentives for employers
- Waive unemployment responsibility for OJT employers

Incentives (bonus) to worker for:

- Developing plan
- RTW

Encourage worker to go to the source (school, employers, and informational interviews, testing) and get information. VRC should join worker and observe classroom.

Find out from school where their graduates go to work.

Strong client/counselor participation helps increase success in implementation (meet twice a week).

The VRC is “training” the client to succeed in this phase.

- Identify/clarify expectations
- Explain consequences of behaviors
- Role play to motivate – actual counseling

Counseling/consulting practices that could improve/increase your RTW rate: (Include ideas that would require change in Department Policy, Procedure, and/or Legislation: For instance: a new vocational placement code to fund and allow those services to be delivered.)

There is a correlation between frequency of VRC/worker meetings and success in choosing goal – motivational counseling.

- First meeting: enhance accountability, make assignments
- Establish expectations/timeframe
- Consequences for not participating

Involve worker in process – making choices that affect them.

Uncover interests - realistic choices.

Get worker involved in informational interviews/get VRC involved also/role-playing.

Review risk management and EOI.

Bonus to IW for plan – approvable by VRC.

L&I OJT employer dinged for UI – this should be evaluated.

PLAN IMPLEMENTATION RTW ANALYSIS

Current counseling/consulting practices that have a positive impact on your RTW rate: (Could include counseling objectives, tools, consulting methods, or any other procedure that increase your RTW outcomes.)

Vocational planning – careful goal planning with the client is essential to success.

Pay the employer – wage subsidies.

Use community resources (Work Source, DVR) to assist in placing worker.

Insure client's investment in plan by having actively involved in implementation...

Job search activities during last 60 days (interviews, telephone calls, appointments).

Job placement “Plan” – a “contract” job search checklist.

Transition counseling between training and end of plan. This can be incorporated into current system.

PW (preferred worker) – apply at right time, educate worker on its use, have Dept. respond to application in timely manner.

Informational interviews, anything that helps worker practice job search skills.

Monitor plan – stay in touch with trainers, workers to prevent surprises.

Use community resources for other services such as clothes, unmet medical needs, mental health services, etc.

Use job modification fund – teach VRC’s how/when to use in plan.

Counseling/consulting practices that could improve/increase your RTW rate: (Include ideas that would require change in Department Policy, Procedure, and/or Legislation: For instance: a new vocational placement code to fund and allow those services to be delivered.)

Pay third party for placement services.

- Performance based possibility.
- Similar to how we purchase worker evaluation

Talk about RTW at every meeting with client.

Pay client for RTW.

- Transitional pay
- Incentives
- Loss of earning power past return to work if at significantly lower wage.

Wage subsidies for employer.

Professional skills training – allow this as a plan option. Worker trains on the job but for credit (usually no wages but can be paid), and program is run through community colleges.

Increase incentives for placement to injured worker and employer – including OJT.

More timeliness from Department regarding response to PWC, plans (OJT).

Be able to hire job developers and job coaches.

Department funding changes to support these ideas.